

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

COY'S HONEY FARM, INC.,)	
)	
Plaintiff,)	
)	
v.)	MDL No. 1:18-md-02820-SNLJ
)	
BAYER CORPORATION; BAYER)	
U.S., LLC; BAYER CROPSCIENCE)	Indiv. Case No. 3:21-cv-00104-KGB
(ARKANSAS) INC.; BASF)	
CORPORATION; and BASF)	
AGRICULTURAL SOLUTIONS SEED)	
US LLC,)	
)	
Defendants.)	

**MOTION FOR CONFIRMATION OF STAY
OR, IN THE ALTERNATIVE, TO STAY PROCEEDINGS**

COME NOW Defendants Bayer Corporation; Bayer U.S., LLC; Bayer Cropscience (Arkansas) Inc.; BASF Corporation; and BASF Agricultural Solutions Seed US LLC [collectively “Defendants’], and for their Motion for Confirmation of Stay, or in the Alternative, To Stay Proceedings, state as follows:

1. This lawsuit was filed on May 25, 2021, in the United States District Court for the Eastern District of Arkansas, Northern Division. (JPML Dkt. 160-1, Complaint).
2. On May 28, 2021, this lawsuit was tagged for transfer to this MDL. (JPML Dkt. 160, Notice of Tag-Along Action).
3. The JPML entered a Conditional Transfer Order for this lawsuit on June 2, 2021. (JPML Dkt. 161, Conditional Transfer Order).

4. In its Order allowing consolidated master complaints, this Court stated that “[a]ny plaintiff whose case is transferred into this MDL shall file [a Notice to Conform] . . . within 30 days of transfer into this MDL.” In that same Order, the Court also stated that the action of any plaintiff who is not named in any master complaint(s) and who elects not to file a Notice to Conform “will be stayed, including the requirement for defendants to file any responsive pleading or motion.” (Dkt. 46, Order Allowing Consolidated Master Complaints) (the “May 8, 2018 Order”).

5. This Court also entered an Order stating that “all existing deadlines are stayed” and that the parties would have another telephonic status conference on July 30, 2021. (Dkt. 584, Order) (the “June 7, 2021 Order”).

6. Accordingly, Defendants believe that all deadlines in this action, including Defendants’ deadline to respond to Plaintiff’s Complaint, are stayed by operation of the May 8, 2018 Order and/or June 7, 2021 Order.

7. Therefore, Defendants respectfully request that this Court enter an Order confirming that this action is stayed.

8. If this action is not stayed by operation of either the May 8, 2018 Order and/or the June 7, 2021 Order, Defendants respectfully request that this Court enter an Order staying their deadline to respond to Plaintiff’s Complaint and ordering the parties to set a deadline for Defendants to respond to Plaintiff’s Complaint during the telephonic status conference set for July 30, 2021.

WHEREFORE, Defendants respectfully request that this Court enter an Order confirming that this action is stayed. In the alternative, Defendants respectfully request that this Court enter an Order staying their deadline to respond to Plaintiff's Complaint and ordering the parties to set a deadline for Defendants to respond to Plaintiff's Complaint during the telephonic status conference set for July 30, 2021.

Respectfully submitted,

FAEGRE DRINKER BIDDLE & REATH LLP

Dated: June 21, 2021

/s/ John P. Mandler

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CERTIFICATE OF SERVICE

I certify that on June 21, 2021, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record registered to receive electronic Notices of Electronic Filing generated by CM/ECF.

/s/ John P. Mandler _____

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